



CITY APPOINTEES
 MARY SHARP, VICE CHAIR
 BERLIN BOYD
 RUSTY LINKOUS
 MARGARET PRITCHARD
 JAMES TOLES

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6619



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 ROBERT NORCROSS
 EMILY TRENHOLM
 LISA WILBANKS
 ROSLYN WILLIS

MINUTES February 14, 2013

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairman	Mary Sharp	X	
Member	Berlin Boyd		X
Member	Rusty Linkous		X
Member	Margaret Pritchard	X	
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Member	Rosalyn Willis	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

LUCB Staff: Josh Whitehead, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, and Calvin Abram.

Others Present: David Bray, Clayette Dorse, Margaret Hill, Lou Katzerman, Joseph Kyle, Cindy Reaves and Roy Spears.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement. He also noted the new Mission Statement on the Agenda and advised the Board to read it at their convenience.

Secretary's Report

Josh Whitehead did not have a Secretary's Report.

Approval of Minutes: December 13, 2012 and January 10, 2013

Chairman McCreery asked for a motion to approve the minutes for both meetings. Board Member Pritchard made a motion to approve the December 13, 2012 and January 10, 2013 Board Minutes. The motion was seconded by Board Member Norcross. The motion passed unanimously.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. Since there were no Consent Agenda Items, Chairman McCreery introduced Board Member Pritchard to be the Zoning Chair and to read the Regular Agenda Items. Zoning Chair Pritchard made an announcement that Agenda Item 2 had been held and would not be heard. She then called the first case.

REGULAR AGENDA ITEMS:

Item 1: CASE #: P.D. 12-317

ST. ELMO SHOPPING CENTER PLANNED DEVELOPMENT

Request:

Planned development for pre-owned motor vehicle sales within CMU-2 District.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Chairman McCreery then asked the applicant or representative to come forward and give their name and address for the record.

Joseph Kyle approached and stated his name and address as 708 Ridgelake Blvd., 38120. He stated that he was in agreement with staff's recommendation.

Chairman McCreery asked for a motion. Zoning Chair Pritchard made a motion to approved Case #P.D. 12-317 in accordance with staff's recommendations. The motion was seconded by Board Member Norcross. The motion passed unanimously.

Item 2: CASE #: P.D. 13-301

MEMPHIS BLUES RV RESORT & VILLAGE PLANNED DEVELOPMENT

Request:

Recreational Vehicle Park and lots for manufactured homes.

**This Item was placed on "hold".*

Item 3: CASE #: P.D. 13-302

MEMPHIS COLLEGE PREP ELEMENTARY SCHOOL PLANNED DEVELOPMENT

Request:

Planned development for an elementary school and parking lot.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Chairman McCreery then asked the applicant or representative to come forward and give their name and address for the record.

Cindy Reaves approached and stated her name and address as 5909 Shelby Oaks Dr, Suite 200, 38134. She stated that she was in agreement with staff's recommendation and that staff had agreed with adding a friendly amendment to Condition 6. Terry Langlois stated the friendly amendment as: "timing for implementation of Condition 6 as it becomes economically feasible but not prior to a request for a building expansion."

Chairman McCreery asked for a motion. Zoning Chair Pritchard made a motion to approved Case #P.D. 13-302, as amended, in accordance with staff's recommendations. The motion was seconded by Board Member Toles. The motion passed unanimously.

Item 4: CASE #: S.A.C. 13-601 MUSTER ALLEY & SAFFARANS ALLEY
Request: Alley closure.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Chairman McCreery then asked the applicant or representative to come forward and give their name and address for the record.

Cindy Reaves approached and stated her name and address as 5909 Shelby Oaks Dr, Suite 200, 38134. She stated that she was in agreement with staff's recommendation.

Chairman McCreery asked for a motion. Zoning Chair Pritchard made a motion to approved Case #S.A.C. 13-601 in accordance with staff's recommendations. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 5: CASE #: S.U.P. 13-201 TV6 SIGNAL SOURCE TOWERS, LLC
Request: Construct a one hundred sixty foot (160') CMCS tower within CMU-1 District.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was opposition.

Chairman McCreery then asked staff for the staff report.

Calvin Abram gave a brief summary of the staff report which included the location of property site and the proposed plan for the location in which to construct a one hundred sixty foot (160') CMCS tower within CMU-1 District. He noted the surrounding land uses adjacent to the site

property. He did show the site plan submitted by the applicant that outlined recent modifications that included landscaping and trees as buffers near the residential area. He showed various aerial pictures, the boundaries, aerial and zoning maps of the property site, which included other public and private owned properties. Calvin stated his conditions for approval along with a few friendly amendments to the conditions as it related to the applicant submitting a Type S-10 streetscape plate, fencing, shrubbery, landscaping and screening.

Chairman McCreery asked the applicant to approach and give their comments/presentation.

Lou Katzerman approached and stated his name and address as 4091 Viscount. He stated he was in agreement and wanted to be in compliance with staff's recommendations as well as the friendly amendment made to the conditions. He noted that his only opposition was agreeing to Condition #2 – the removal of the all trash bins from alley and refuse collection is prohibited within the public alley. He stated the bins were owned by an adjacent property owner and he could not agree to remove someone's items, even though the bins were out of compliance.

Chairman McCreery then asked those in opposition to approach and give their comments.

Clayette Dorse approached and stated her name and address as 790 Alice Ave. She expressed the concern of the open view of the tower pole that would be visible from her mother's front door and kitchen, even with a 6 ft. wooden fence installed. She asked if the applicant could consider a more concealed location for the tower in the South Memphis area.

Margaret Hill approached and stated her name and address as 570 Rosewood Ave. She stated since her and her husband purchased their home years ago, the neighborhood has declined. She felt the tower would contribute more to the declining nature of the neighborhood.

Chairman McCreery asked the applicant to approach and give any rebuttal comments.

Lou Katzerman re-approached and stated after research the neighborhood lacked reliable wireless service for cell phones, Ipads, etc. He added the tower would enhance that accessibility and usage of wireless service for the residents in the area. He added that the tower would not add any negative impact to the area or the resident's homes.

Chairman McCreery then asked the Board for a motion to open the floor for LUCB discussion. Zoning Chair Pritchard made a motion to approved Case #S.U.P. 13-201 in accordance with staff's recommendations and the agreed upon friendly amendments. The motion was seconded by Board Member Norcross.

Zoning Chair Pritchard assure Ms. Hill with the landscaping and upkeep of the tower, it would enhance the neighborhood. She also offered a friendly amendment for staff to assist in having the owner of the bins/dumpsters remove them out of the public alley. Josh Whitehead suggested omitting Condition # 2 for the applicant and adding Zoning Chair Pritchard's friendly amendment. Chairman McCreery then asked for a vote on the motion and amendments made. The motion along with the friendly amendments passed unanimously.

Item 6: CASE #: P.D. 13-302

Request:

BUDGET CAR AND TRUCK RENTAL

Car & truck rental facility in CMU-2 District.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Chairman McCreery then asked the applicant or representative to come forward and give their name and address for the record.

David Bray approached and stated his name and address as 2950 Stage Plaza, Bartlett, TN. He stated that he was in agreement with staff's recommendation.

Chairman McCreery asked for a motion. Zoning Chair Pritchard made a motion to approved Case #P.D. 13-302 in accordance with staff's recommendations. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 7: CASE #: Z 13-101

Request:

Westside of MillBranch Rd.; +/-356 ft. N or E. Shelby Dr.

Commercial Mixed Use (CMU-3) District.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Chairman McCreery then asked the applicant or representative to come forward and give their name and address for the record.

Roy Spears approached and stated his name and address as 4625 MillBranch Road, Memphis, TN. He stated that he was in agreement with staff's recommendation.

Chairman McCreery asked for a motion. Zoning Chair Pritchard made a motion to approve Case #Z 13-101 in accordance with staff's recommendation. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 8: CASE #: Z.T.A. 13-001 CC

Request:

Memphis and Shelby Co. OPD

Adopt Amendment to Sections of the Memphis and Shelby County Unified Development Code that Concern Conditional Use and Special Use Permits, Consumer Vehicles Parked on Residential Lots, Preexisting Apartments, the Tree Ordinance, Standard Improvement Contracts, Dedication of Right-of-Way, Zoning Code Definitions and Other Provisions of the Code.

Chairman McCreery stated the applicant was the City of Memphis Office of Planning and Development and allowed Josh Whitehead (Planning Director) to make a presentation.

Josh Whitehead proceeded with a brief presentation explaining in detail the (9) nine groups of amendments. He noted some of the amendments were housekeeping (currently in practice) items. His presentation consisted of Conditional Use and Special Use Permits, Consumer Vehicles Parked on Residential Lots, Preexisting Apartments, the Tree Ordinance, Standard Improvement Contracts, Dedication of Right-of-Way, Zoning Code Definitions and Other Provisions of the Code.

Chairman McCreery asked if there was opposition to adopt Amendments to the Sections stated of the Memphis and Shelby County Unified Development Code. There was no opposition.

Chairman McCreery asked for a motion. Zoning Chair Pritchard made a motion to approve Case #Z.T.A. 13-001 CC in accordance with staff's recommendations. The motion was seconded by Board Member Wilbanks.

Before the vote, Zoning Chair Pritchard offered a friendly amendment on page 7 to the following definition. "ROOMING HOUSE: A building where lodging is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided." She asked to omit all language after this statement. The motion along with the friendly amendment re-defining "Rooming House" passed unanimously.

ADJOURNMENT:

There being no further business, the meeting there upon adjourned.

MINUTES APPROVED:

March 14, 2013

CHAIRMAN

SECRETARY